UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

TAYLOR FARMS PACIFIC, INC./ SLINGSHOT CONNECTIONS, LLC/ ABEL MENDOZA, INC.

and

Case 32-CA-116854

TEAMSTERS, LOCAL 601, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

ORDER¹

Taylor Farms Pacific Inc.'s petition to revoke paragraphs 5 and 12-16 of subpoena duces tecum B-1-GLFZXB is denied. These subpoena paragraphs seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking these subpoena paragraphs.² See

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Member Schiffer notes that the Petitioner did not assert any state law privacy interest. It is well established that the party seeking to withhold documents as confidential bears the burden of showing that they are confidential and that harm will flow from disclosure. See, e.g., *Centurion Industries, Inc. v. Warren Steurer and Associates*, 665 F.2d 323, 325 (10th Cir. 1981). "[B]lanket and generalized" assertions of confidentiality are insufficient. *U.S. v. International Business Machines Corp.*, 81 F.R.D. 628, 630 (S.D.N.Y. 1979). Thus, the Petitioner's generalized privacy claim necessarily fails as a matter of law, and does not implicate any state law where, as here, no such claim was made.

² Member Johnson finds that, to the extent that the state law privacy interest is implicated by the Petitioner's generalized privacy claim, that privacy interest would be generally cognizable in the context of objections to Board subpoenas. However, here, the Petitioner made no showing that mere contact information of employees sought as potential witnesses would be protected, and state law seems to the contrary. See *Crab Addison v. Superior Court*, 169 Cal. App. 4th 958 (2008).

generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).³

Taylor Farms Pacific Inc.'s petition to revoke paragraphs 10 and 11 of subpoena duces tecum B-1-GLFZXB is granted. These paragraphs request information related to the charge in Case 32-CA-117220. However, on March 31, 2014, Regional Director George Velastegui approved the withdrawal of that charge. Accordingly, the information requested in these paragraphs is no longer relevant to a matter under investigation.

Dated, Washington, D.C., May 23, 2014.

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

³ With respect to subpoena par. 5, the Petitioner argues that some of the requested information is not in its possession, but rather is in the possession of Able Mendoza, Inc. (AMI). Although the subpoena cannot compel the Employer to produce information it does not possess, it does compel the Petitioner to *seek* that information from AMI. If AMI does not comply with a request for the information from the Petitioner, nothing would prevent the Region from seeking that information directly from AMI.

With respect to subpoena par. 12, we again observe that the subpoena cannot compel the Petitioner to produce information it does not possess. However, the subpoena does compel the Petitioner to conduct a thorough search for the requested information, and either to produce the requested information if found, or affirmatively represent to the Region that the information does not exist.